

# Uniform Civil Procedure (Commercial Arbitration) Amendment Rule 2019

Explanatory notes for SL 2019 No. 49

made under the

*Supreme Court of Queensland Act 1991*

## General Outline

### Short title

*Uniform Civil Procedure (Commercial Arbitration) Amendment Rule 2019*

### Authorising law

Section 85 of the *Supreme Court of Queensland Act 1991* (the Act).

### Policy objectives and the reasons for them

Section 89 of the Act provides for the establishment of a Rules Committee (a committee of magistrates and judges established by the Chief Justice of Queensland). Under section 85 of the Act, the Governor in Council, with the consent of the Rules Committee, may make rules of court for the practices and procedures of the Supreme Court, the District Court and the Magistrates Courts or their registries. The rules of court for civil law matters are contained in the *Uniform Civil Procedure Rules 1999* (UCPR).

The objective of the *Uniform Civil Procedure (Commercial Arbitration) Amendment Rule 2019* (Amendment Rule) is to amend the UCPR to incorporate harmonised rules for international and domestic commercial arbitration originating from the Council of Chief Justices' Rules Harmonisation Committee (harmonised rules). The harmonised rules provide for matters where a court becomes involved in arbitration matters, for example, for the referral of parties to arbitration, the enforcement of awards and applications for various court orders and for the issue of subpoenas.

### Achievement of policy objectives

The policy objective is achieved by amending the UCPR to incorporate the harmonised rules, with minor variations to ensure consistency with Queensland's commercial arbitration legislation and drafting style.

## **Consistency with policy objectives of authorising law**

The Amendment Rule is consistent with the policy objectives of the Act.

## **Inconsistency with policy objectives of other legislation**

The Amendment Rule is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

There are no costs associated with the implementation of the Amendment Rule.

## **Consistency with fundamental legislative principles**

The Amendment Rule is consistent with fundamental legislative principles.

## **Consultation**

The Department of Justice and Attorney-General has self-assessed the Amendment Regulation to be excluded from further regulatory impact analysis under exclusion category (j) of the *Queensland Government Guide to Better Regulation* as it is a regulatory proposal relating to the administration of courts and tribunals.